

REMARKS

With entry of this amendment, claims 1, 5-18, 20-22, and 25-27 will be pending. Claims 1 and 20 have been amended to incorporate subject matter of claims 2-4 and to clarify that the sensor is moving along the flow cuvette. Support for the amendments can be found in the specification and the originally filed claims. No new matter has been added. It is believed that the claim amendments put the application into condition for allowance and/or reduce the issues for appeal, and that they do not raise any issues that require further consideration by the Examiner. Entry is accordingly requested.

Claims 1, 3, 5-18, and 20-17 were rejected under 35 USC § 102(b) as being anticipated by Bukshpan et al. (US 2002/0198928). As claim 2 was not subject to this rejection, it is believed that the incorporation of the subject matter of claim 2 into claims 1 and 20 obviates this rejection. Reconsideration and withdrawal are respectfully requested.

Claims 2 and 4 continue to be rejected under 35 USC § 103(a) as being unpatentable over Bukshpan et al. in view of Ravkin et al. (US 2003/0134330). To the extent that this rejection may be considered applicable to the amended claims, it is traversed for the following reasons.

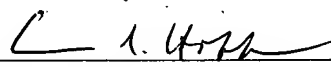
The present claims differ from the teaching of Bukshpan et al. as Bukshpan contains no disclosure that the camera is moving along the measuring cell and the measuring cell is imaged onto said optical sensor by the movement of optical elements. This deficiency cannot be remedied by combining Bukshpan's teaching with Ravkin et al., since Ravkin does not explicitly disclose that a movement of a detector during the measurement occurs. Ravkin discloses essentially a system in which a detector is stepwise moving from one reaction well to the next reaction well of a microtiter plate without intermediate measurement. This, however, does not at all disclose any hint that a measurement during the movement shall happen. To the contrary, the skilled person readily realizes that the actual measurement of the reaction well can only be performed when the optical sensor (camera) is placed for example over the reaction well. The skilled person would not assume that the measurement will be continued during the shift of the sensor from one well to another.

Thus, even if Ravkin et al. and Bukshpan et al. are combined, it would not result in the present invention, as a person skilled in the art would not conclude that that during movement the flow cuvette should be measured, as taught by the present invention.

All rejections having been addressed, it is respectfully submitted that this application is in condition for allowance, and Notice to that effect is respectfully requested.

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Respectfully submitted,

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